

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

TIMOTHY WITHERSPOON,

Plaintiff,

v.

GARY PHILLIPS,

as DISTRICT ATTORNEY, et. al.,

Defendants.

CV 02-AR-241-M

FILED
02 JUL 11 PM 2:28
U.S. DISTRICT COURT
N.D. OF ALABAMA

ENTERED
JUL 11 2002

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on June 14, 2002, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed for failing to state a claim upon which relief can be granted under 28 U.S.C. § 1915A(b). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed for failing to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A(b). An appropriate order will be entered.

DATED this 11th day of July, 2002.



WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE

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